

United States District Court
for the
Western District of New York

United States of America

v.

Case No. 20-MJ- 4198

RYAN HOWE a/k/a Rylea Autumn

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about September 23 and 24, 2020, in the County of Monroe, in the Western District of New York, the defendant, **RYAN HOWE a/k/a Rylea Autumn**, violation 18 U.S.C. § 2101(a), said offense described as follows:

The defendant, **RYAN HOWE a/k/a Rylea Autumn**, on or about September 23 and 24, 2020, did knowingly use any facility of interstate or foreign commerce, including, but not limited to, the telegraph, telephone, radio, or television, with intent to perform or attempt to perform actions:

- (1) to incite a riot; or
- (2) to organize, promote, encourage, participate in, or carry on a riot; or
- (3) to commit any act of violence in furtherance of a riot; or
- (4) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot;

and did during the course of any such use or thereafter, performed or attempted to perform any other overt act for any purpose specified in subparagraphs (1)-(4), in violation of 18 U.S.C. § 2101(a).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

JOHN T. DENZ
Special Agent, Federal Bureau of Investigation

Printed name and title

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on:

Date: September 25, 2020

City and State: Rochester, New York



Judge's signature

HON. MARK W. PEDERSEN
United States Magistrate Judge, WDNY

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

State of New York)
County of Monroe)
City of Rochester)

SS:

Case No. 20-MJ-4198

I, **JOHN T. DENZ**, being duly sworn, depose and state that:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and I am assigned to the Rochester, New York Resident Agency. I have been assigned as a Special Agent with the FBI since January 2020. I have been employed by the FBI for approximately 9 months. As part of my professional experience, I have participated in federal investigations involving domestic and international terrorism. I further state that I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

2. This affidavit is submitted in support of a criminal complaint and arrest warrant for RYAN HOWE a/k/a Rylea Autumn (hereinafter, “HOWE”) for a violation of 18 U.S.C. § 2101(a) (riots). The assertions made herein are based solely upon my personal knowledge or upon information I have received from other law enforcement agents who are involved in this investigation. Further, I have had discussions with officers involved in this investigation who have confirmed the accuracy of the information contained within this affidavit. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue of whether probable cause exists to believe HOWE committed the above-mentioned offense.

APPLICABLE LAW

3. Title 18, United States Code, Section 2101(a) provides, in pertinent part, that “[w]hoever . . . uses any facility of interstate or foreign commerce, including but not limited to, the mail, telegraph, telephone, radio, or television, with intent (1) to incite a riot; or (2) to organize, promote, encourage, participate in, or carry on a riot; or (3) to commit any act of violence in furtherance of a riot; or (4) to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot; and who either during the course of any such . . . use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph [(1), (2), (3), or (4)] of this paragraph . . . [s]hall be fined under this title or imprisoned not more than five years or both.”

4. “[T]he term ‘riot’ means a public disturbance involving (1) an act of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.” *See* 18 U.S.C. § 2102(a).

PROBABLE CAUSE

5. On September 2, 2020, RYAN HOWE was arrested by the Rochester Police Department (RPD) for inciting a riot and resisting arrest. The arrest stemmed from HOWE’s

involvement in protests in Rochester relating to the death of Daniel Prude, who died in March 2020, one week after an encounter with RPD officers. Specifically, HOWE approached metal barricades surrounding the Public Safety Building (PSB) in Rochester, picked up the metal barricades and slammed them down. HOWE also shook the barricades and screamed in an apparent effort to agitate approximately 40 other protesters who were present at the PSB. When the police attempted to arrest HOWE, he pulled away from the officers, wrapped himself around a street sign and refused to let go. After being freed from the sign, HOWE kicked and moved his body to avoid being handcuffed. RPD reports documented HOWE's home address as 172 West Main Street, Apartment No. 1, Rochester, New York.

6. On September 8, 2020, the Monroe County Sheriff's Office shared information that HOWE espouses beliefs consistent with Antifascist (ANTIFA) ideology on his Facebook page, www.facebook.com/rylea.howe.50, which has a user name of "Rylea Autumn" (hereinafter, "HOWE's Facebook page"). HOWE's Facebook page included references to several ANTIFA images and symbols, including a profile picture banner stating, "Antifascist Action," a profile picture of HOWE dressed in all black with a helmet and goggles (which is consistent with the physical appearance of ANTIFA adherents), a circle with the letter "A" which represents anarchy, and the profile synopsis under the profile picture which states "Anti-Fascist" and "Anarcho-communist."

7. On or about March 13, 2020, police officers from the Louisville (Kentucky) Metro Police Department executed a search warrant at the apartment of Breonna Taylor. During the search warrant, there was an exchange of gunfire between an occupant of Ms. Taylor's apartment and the officers. Ms. Taylor was shot and killed during the incident. On

September 23, 2020, the Kentucky Attorney General announced that a grand jury had declined to indict the officers in relation to Ms. Taylor's death. In the wake of this announcement, some members of the public – including individuals and groups in Rochester – expressed their outrage at the decision, and declared their intention to protest in the evening on September 24, 2020. Through social media, some of these individuals also expressed a desire to burn the city down in response to the grand jury's decision. For example, one Facebook user stated, "So I say Fuck 12 [meaning the police]! Burn that shit down! Yes I said it!!!" In response to that post, another Facebook user posted, "BURN IT ALL TF [meaning 'the fuck'] DOWN", and another Facebook user posted, "Justified in burning it ALL down!!!!!"

8. On September 23, 2020, HOWE's Facebook page was used to post a reference to an article from the Huffington Post entitled, "No Cops Charged With Murder In The Killing Of Breonna Taylor." Along with the reference to the article, HOWE's Facebook page was used to post a message reading, "Burn this shit to the fucking ground."

9. On September 24, 2020, at approximately 8:32 a.m., HOWE's Facebook page was used to post a Facebook message that consisted of a recipe for a Molotov cocktail and guidance on how to use one against the police. Specifically, the Facebook post read as follows,

- 1 part gasoline
- 1 part used motor oil
- 1 part crushed Styrofoam
- Mix until the consistency of a thick paste
- Place in glass containers
- Soak rag in gasoline, tie a knot in the end just big enough to fit through the hole of the bottle, but won't rip out.
- Light wick
- Aim at cop
- Throw

10. Later on September 24, 2020, HOWE's Facebook page was used to post another message, which read, "Good morning to everyone ready to burn this whole fuckin country to the ground!"

11. On September 24, 2020, at approximately 4:48 p.m., HOWE's Facebook page was used to post an animated image (commonly referred to as an "emoji") which depicted a smiley face holding what appeared to be a flaming Molotov cocktail. A screenshot of the message is set forth below.



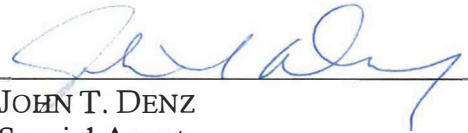
12. In the evening on September 24, 2020, FBI Special Agent Timothy Klapec and FBI Task Force Officer (TFO) Michael Turton interviewed HOWE outside his residence at 172 West Main Street. During the interview, Special Agent Klapec and TFO Turton showed HOWE a copy of the Facebook post from earlier in the day that contained the recipe for a Molotov cocktail and guidance for using it against the police (referenced in ¶ 9, above). HOWE admitted to making the Facebook post as an emotional response to perceived excessive use of force by the police nationwide. HOWE stated that he wanted the post to be something edgy that would generate a response. HOWE acknowledged that he was of clear mind when he made the post and was not under the influence of drugs or alcohol. HOWE stated that he obtained the instructions for making a Molotov cocktail from “The Anarchist Cookbook.” HOWE further stated that the Facebook post was a mistake, and that he deleted the post after he received a notification from Facebook that the post violated the terms of use agreement.¹ HOWE expressed a desire for law enforcement to be defunded and ultimately abolished, but did not wish to see anyone harmed in the process.

CONCLUSION

13. Based on the above information, there is probable cause to believe that, on or about September 23 and 24, 2020, in the Western District of New York, RYAN HOWE used a facility of interstate and foreign commerce, with intent to incite a riot, to promote and encourage a riot, and to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot – that is, by making a Facebook post advocating burning “this shit to the ground”; and during the course of such use or

¹ Although HOWE allegedly deleted the post relating to the Molotov cocktail, he nevertheless subsequently posted the Facebook message about burning the country to the ground and the image of the flaming Molotov cocktail.

thereafter performed or attempted to perform overt acts for the purpose of inciting, promoting, and encouraging a riot, and aiding and abetting other persons inciting and participating in and carrying on a riot – that is, by posting a recipe for a Molotov cocktail and directions to throw Molotov cocktails at police officers, posting an additional message about burning the country to the ground, and by posting an image of a flaming Molotov cocktail, in violation of 18 U.S.C. § 2101(a).



JOHN T. DENZ
Special Agent
Federal Bureau of Investigation

Affidavit and Criminal Complaint submitted electronically by e-mail in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on September 25, 2020:



HONORABLE MARK W. PEDERSEN
United States Magistrate Judge
Western District of New York